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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,634	07/02/2003	J. P. Droppleman	30552/38911	3656
4743	7590	04/26/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			JACYNA, J CASIMER	
233 S. WACKER DRIVE, SUITE 6300			ART UNIT	
SEARS TOWER			PAPER NUMBER	
CHICAGO, IL 60606			3751	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,634

Applicant(s)

DROPPEMAN, J. P.

Examiner

J. Casimer Jacyna

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 6, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12202004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by German (37520). German discloses a post valve that attaches to gas cylinder including a valve body 15 & 2, an internal aperture that receives a valve actuator 10, a threaded extension below 2, a gas inlet surrounding 4, and a valve body seat with a planar seat surface adjacent 2, wherein the valve body is formed from circular bar stock material as shown by section AA in figure 7.

4. Claims 1-5, 7, 9, 10 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Baxter et al. Baxter discloses a post valve that attaches to gas cylinder including a valve body 1, an internal threaded aperture that receives a valve actuator 2, a threaded extension 10, a gas inlet 12, a valve body seat with a planar seat surface shown immediately adjacent the numeral 13 in figure 2, an annular valve seat 7 or 8 and a filter 21 wherein the valve body is formed from circular bar stock material as shown in figure 3.

5. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. in view of Holben et al. Baxter discloses a gas cylinder valve with a filter 21 substantially as claimed but does not disclose a sintered metal filter. However, Holben teaches another gas cylinder valve having a sintered metal filter 162 for the purpose of improving the removal of contaminants from the gas stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Baxter with a sintered metal filter as, for example, taught by Holben in order to improve the removal of contaminants from the gas stream.

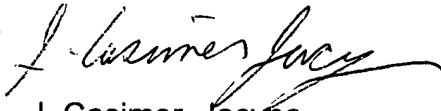
6. Claims 1, 2, 4, 5, 8, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stroop in view of Baxter et al. Stroop discloses a gas cylinder valve including a valve body 10, an internal aperture that receives a valve actuator 26, a threaded extension 11, a gas inlet as is the planar surface that includes the apex of 22, a valve body seat with a planar valve body seating surface extending outward from 10 and resting on 13 as is the exterior surface surrounding 23 in figure 2, and an annular valve seat 27 substantially as claimed but does not disclose the planar valve body seating surface to be circular. However, Baxter teaches another gas cylinder valve also having a planar valve body seating surface that is circular as shown in figure 3 of Baxter for the purpose of making the seat from the same circular stock material as the threaded extension. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Stroop with a circular planar valve body seating surface as, for example, taught by Baxter in order to make the seat from the same circular stock material as the threaded extension.

7. Claims 6, 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 11-19 are allowed.
9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ